

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CLIFTON E. MCLEAN,

Petitioner,

v.

JOYCE FRANCIS, Warden,

Respondent.

FILED

FEB 29 2008

U.S. DISTRICT COURT  
ELKINS WV 26241

Civil Action No. 2:07 CV 83  
(Maxwell)

**ORDER**

On October 18, 2007, *pro se* Petitioner Clifton E. McLean filed an Application Under 28 U.S.C. § 2241 For Writ of Habeas Corpus By A Person In Federal Custody.

The case was referred to United States Magistrate Judge James E. Seibert for initial review and report and recommendation in accordance with Rule 83.09 of the Local Rules of Prisoner Litigation Procedure.

After conducting an initial screening and review, United States Magistrate Judge James E. Seibert issued a Report And Recommendation on October 26, 2007, wherein he recommended that the Petitioner's Application Under 28 U.S.C. § 2241 For Writ Of Habeas Corpus By A Person In Federal Custody be denied and dismissed with prejudice.

In his Report And Recommendation, Magistrate Judge Seibert provided the parties with ten (10) days from the date they were served with a copy of said Report And Recommendation in which to file objections thereto and advised the parties that a failure to timely file objections would result in the waiver of their right to appeal from a judgment of this Court based upon said Report And Recommendation. According to the docket in

the above-styled civil action, any objections to the Magistrate Judge's Report And Recommendation were required to be filed on or before November 9, 2007.

On November 8, 2007, the Petitioner filed a Motion To Enlarge Time To Respond To Magistrate Judge Recommendation wherein he requested a forty-five day extension of time in which to file objections to Magistrate Judge Seibert's October 26, 2007, Report And Recommendation. Said Motion To Enlarge Time To Respond was granted by Order entered December 4, 2007. The Court's December 4, 2007, Order provided for the Petitioner to file any desired objections to Magistrate Judge Seibert's October 26, 2007, Report And Recommendation on or before January 21, 2008.

On January 29, 2008, the Clerk of Court received from the Petitioner a letter dated January 23, 2008, wherein the Petitioner requested an additional forty-five days in which to file objections to Magistrate Judge Seibert's October 26, 2007, Report And Recommendation. In support of his request, the Petitioner advises that he is awaiting the receipt of certain discovery documents. The Petitioner's January 23, 2008, letter was filed by the Clerk of Court and docketed as a Motion For Extension Of Time (See Docket No. 8).

Having found that the Petitioner's Motion For Extension Of Time is made in good faith and not to unnecessarily delay this matter, it is

**ORDERED** that the Petitioner's Motion For Extension Of Time (Docket No. 8) be, and the same is hereby, **GRANTED**. It is further

**ORDERED** that the Petitioner shall file any desired objections to Magistrate Judge Seibert's October 26, 2007, Report And Recommendation on or before **April 14, 2008**.

It is further

**ORDERED** that the Clerk of Court shall send a copy of this Order to the *pro se* Petitioner and to any counsel of record.

**ENTER:** February 29, 2008

A handwritten signature in black ink, appearing to read "Robert E. Mayhew", is written over a horizontal line.

United States District Judge